

ORIGINAL  
DEF  
CIM

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FIRST TENNESSEE BANK, N.A.,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

Case No. 10-CV-4925 (FB) (SMG)

LORNA A. BLACK,

Defendant.  
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*Appearances:*

*For the Plaintiff:*

DANIEL A. FASS, ESQ.

Klapper & Fass

170 Hamilton Avenue, Suite 318

White Plains, NY 10017

**BLOCK, Senior District Judge:**

On September 9, 2011, Magistrate Judge Gold issued a Report and Recommendation ("R&R") recommending that a default judgment be entered against defendant, Lorna A. Black, in the total amount of \$76,961.33. The R&R recited that "[a]ny objections to the recommendations made in this Report must be filed within fourteen days," and that "[f]ailure to file timely objections may waive the right to appeal the District Court's Order." R&R at 8. Plaintiff's counsel served a copy of the R&R on Black at her last known address on October 10, 2012. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir.

2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review and directs the Clerk to enter judgment accordingly.

**SO ORDERED.**

s/ Judge Frederic Block

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FREDERIC BLOCK  
Senior United States District Judge

February 24, 2012  
Brooklyn, New York